

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LEXINGTON INSURANCE COMPANY and
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH,

Plaintiffs,

v.

VIRGINIA SURETY COMPANY, INC.

Defendant.

CIVIL ACTION NO. 04-11109 RGS

JOINT MOTION FOR LEAVE TO FILE
MEMORANDA IN EXCESS OF TWENTY PAGES

The parties jointly move this Court pursuant to Local Rule 7.1(B)(4) for leave to file memoranda of law in excess of twenty pages in support of their respective motions for summary judgment. As grounds for this motion, the parties state as follows:

1. Lexington Insurance Company and National Union Fire Insurance Company of Pittsburg, PA (collectively, the “Plaintiffs”) filed this declaratory judgment action in May 2004 following Virginia Surety’s demand that the Plaintiffs contribute to defense and indemnity costs paid by Virginia Surety to policyholders insured both by the Plaintiffs and Virginia Surety.
2. This is a complex insurance coverage action involving the interpretation and interaction of multiple insurance policies issued by both parties.

3. The parties engaged in substantial document discovery, collecting, gathering, reviewing, and exchanging over 400,000 pages of documents.^{1/} In addition, the parties took nine depositions of party- and non-party witnesses. That testimony has narrowed the number of relevant documents considerably.

4. While the parties both believe that the issues in this case can be decided at summary judgment, the nature of the issues may require the assimilation of considerable deposition testimony and documentary evidence. Enlargement of the page limit will facilitate presentation of their respective arguments and will assist the Court in ruling on the motions.

5. Accordingly, the Parties seek leave to file initial memoranda of law in support of their motions for summary judgment of up thirty (30) pages.

^{1/} This figure includes 100 boxes of underwriting files and 46 boxes of claim files that Virginia Surety reviewed and produced to the Plaintiffs, in addition to 9 boxes of underwriting files and 23 boxes of claim files that the Plaintiffs produced to Virginia Surety.

WHEREFORE, the Parties respectfully request that this Motion be allowed.

LEXINGTON INSURANCE COMPANY VIRGINIA SURETY COMPANY, INC.
AND NATIONAL UNION FIRE
INSURANCE COMPANY OF
PITTSBURGH, PA,

By their attorneys,

By its attorneys,

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Dated: 9/15/06

Dated: 9/15/06

Rule 7.1(A)(2) Certification

The above-signed counsel hereby certify that they have conferred in good faith pursuant to Local Rule 7.1(A)(2) regarding the issues in this Motion.

Certificate of Service

I, Nicholas C. Cramb, Esq. hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on September 15, 2006.

/s/ Nicholas C. Cramb

Dated: September 15, 2006